

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 3:01CR79
)	Case No. 3:05CV400
v.)	
)	
KEITH A. ELSESSER,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motion filed pursuant to 28 U.S.C. § 2255 (Filing No. 1 in 3:05CV400; Filing No. 158 in 3:01CR79). The Court notes this motion was filed on July 26, 2005. However, the filing of this motion has just been called to the attention of the Court. The Court has reviewed said motion and finds the government should file a response thereto. Accordingly,

IT IS ORDERED that plaintiff shall have until December 5, 2005, to respond to defendant's § 2255 motion.

DATED this 4th day of October, 2005.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court